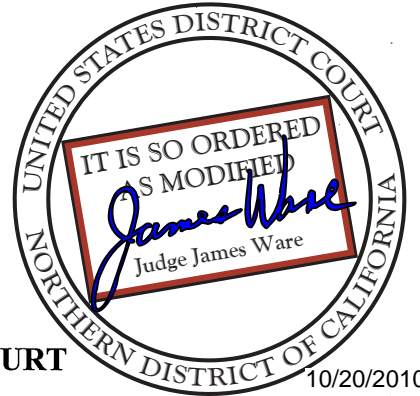


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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

ANITA HUNTER, et al.
Plaintiffs
v.
EDWARD OKUN, et al.
Defendants

**Case No. 07-cv-2795-JW
(Hunter I)**

ANITA HUNTER, et al.
Plaintiffs
CITIBANK, N.A., et al.
Defendants.

**Case No.: 09-cv-02079-JW
(Hunter II)**

Assigned to Hon. James Ware

**STIPULATION AND [PROPOSED]
ORDER RE: WAVE III
PRELIMINARY APPROVAL
HEARING DATE**

1 WHEREAS, the Hunter Plaintiffs have agreed to settle in Wave III with: (i) Defendant
2 Citibank N.A.; and (ii) Defendants Kutak Rock LLP and Joseph A. Kavan;

3 WHEREAS, the settling parties have agreed that the terms of their respective
4 settlements are to remain confidential until the Motion for Preliminary Approval is filed;

5 WHEREAS, Plaintiffs are participating in several mediations over the next 30 days
6 which may result in additional settlements, and if so, the additional settlements should be
7 included in Wave III;

8 WHEREAS, according to the Court's website, the first available hearing date for the
9 Wave III Preliminary Approval hearing is January 31, 2011;

10 WHEREAS, the settling parties wish to have their Wave III Preliminary Approval
11 hearing on January 31, 2011;

12 NOW, THEREFORE, the Hunter Plaintiffs and Defendants Citibank N.A., Kutak Rock
13 LLP and Joseph A. Kavan AGREE AND HEREBY STIPULATE THAT, the Wave III
14 Preliminary Approval hearing should occur on January 31, 2011.

15
16 Dated: October 15, 2010

HOLLISTER & BRACE
FOLEY BEZEK BEHLE & CURTIS LLP
ZELLE MCDONOUGH & COHEN

17
18 By: /s/ Michael P. Denver

19 ROBERT L. BRACE
MICHAEL P. DENVER

20 THOMAS G. FOLEY, JR.
21 *Attorneys for Plaintiff Anita Hunter and*
22 *the Class*

23 ANTHONY ZELLE
24 BRIAN MCDONOUGH
25 *Attorneys for Plaintiff Quirk Infiniti and the*
26 *Class*
27
28

1 Dated: October 15, 2010

GIBSON, DUNN & CRUTCHER

2
3 By: /s/ Brad Lingo
4 BRAD LINGO
5 ETHAN DETTMER
6 F. JOSEPH WARIN
7 *Attorneys for Defendant Kutak Rock,*
8 *LLP*

9 Dated: October 15, 2010

SIDLEY AUSTIN LLP

10 By: /s/ Kevin Fee
11 KEVIN FEE
12 CAROL LYNN THOMPSON
13 *Attorneys for Defendant Citibank, N.A.*

14 IT IS SO ORDERED AS MODIFIED:

15 The hearing for the Wave III Preliminary Approval of Settlement is set for **February 7, 2011 at**
16 **9:00 AM.** All supporting Motions and Proposed Orders shall be filed on or before **January 21,**
17 **2011.**

18 Dated: October 20, 2010

19 
20 United States District Judge

21 I, Michael P. Denver am the ECF User whose ID and password are being used to file this
22 **STIPULATION AND [PROPOSED] ORDER RE: WAVE III PRELIMINARY**
23 **APPROVAL HEARING DATE.** In compliance with General Order 45, X.B., I hereby attest
24 that the counsel whose e-signature appears on the foregoing signature pages has concurred in
25 this filing.

26 /s/
27 Michael P. Denver
28